

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

LORENZO BURNS, Register No. 1015445,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 05-4117-CV-C-SOW
	)	
BILL GALLOWAY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On February 8, 2007, the United States Magistrate Judge recommended granting defendants' motion for summary judgment. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on March 9, 2007, as well as his March 9, 2007 motions to amend. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Plaintiff's motions to amend are denied. This case was filed on April 7, 2005, discovery is closed in this case, and summary judgment is fully submitted. An amendment at this stage in the case, seeking to add new defendants, clearly would cause undue delay of this case, and undue prejudice to defendants.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's February 28, 2007 Report and Recommendation is adopted. [89 ] It is further

ORDERED that plaintiff's motions to amend are denied. [94, 95, 96] It is further

ORDERED that defendants' motion for summary judgment is granted and plaintiff's claims are dismissed. [85]

/s/ Scott O. Wright

SCOTT O. WRIGHT  
Senior United States District Judge

Dated: 3/21/2007  
Kansas City, Missouri